



**Public Health**  
Prevent. Promote. Protect.

**Linn County, Iowa**

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## Air Quality Fees Policy

### Purpose:

The purpose of this policy is to provide consistent interpretation and application of Linn County Code of Ordinances (LCCO) Sec. 10-59, "Permit Fees," fees collected for "untimely permit applications," late payments on annual Permit to Operate invoices, and timely payment for Open Burning permits.

### Scope:

This policy applies to all Authorization to Install (ATI) permits, Permits to Operate (PTO), annual PTO renewal invoices, and Open Burning permits issued by the Air & Water Quality Branch of Linn County Public Health. Because the Iowa Department of Natural Resources invoices companies for Title V operating permits and Prevention of Significant Deterioration construction permits, administration of filing fees for these types of permits are outside of the scope of this policy.

### Definitions:

- A. Air Pollution Control Officer - The Air Pollution Control Officer of Linn County Public Health or any authorized representative.
- B. ATI - Authorization to Install
- C. A&WQB - Air & Water Quality Branch
- D. CO - Carbon Monoxide
- E. DNR - Iowa Department of Natural Resources
- F. LCCO - Linn County Code of Ordinances
- G. LCPH - Linn County Public Health
- H. Major Source or Major Facility - A stationary source that emits a facility-wide total of greater than or equal to 99.4 tons per year of PM, PM10, PM2.5, SO2, NOx, CO, or VOC; and/or emits a facility-wide total of greater than or equal to 9.4 tons per year of SHAP or 24.4 tons per year of THAP.
- I. Minor Source or Minor Facility - A stationary source that is not a major source or major facility.
- J. NOx - Nitrogen oxides
- K. PM - Particulate matter
- L. PM10 - Particulate matter smaller than 10 microns in diameter

- M. PM2.5 - Particulate matter smaller than 2.5 microns in diameter
- N. PSD - Prevention of Significant Deterioration
- O. PTO - Permit to Operate
- P. SHAP - Any single compound emitted at the facility listed in the Clean Air Act Amendments of 1990 List of Hazardous Air Pollutants (<https://www3.epa.gov/ttn/atw/orig189.html>)
- Q. Stationary Source - Any building, structure, facility, or installation which emits or may emit any air pollutant.
- R. SO2 - Sulfur dioxide
- S. THAP - Any combination of all compounds emitted at the facility listed in the Clean Air Act Amendments of 1990 List of Hazardous Air Pollutants (<https://www3.epa.gov/ttn/atw/orig189.html>)
- T. VOC - Volatile organic compounds

## Policy:

### Required Air Quality Permits

Pursuant to LCCO Sec. 10-58(b), the owner shall obtain an Authorization to Install (ATI) permit before construction, installation, or alteration of any portion of a stationary source, the use of which may cause the emission of air pollution. LCCO Sec. 10-58(k) includes an itemized list of exemptions to this permitting requirement.

Pursuant to LCCO Sec. 10-58(c), Permits to Operate (PTOs) must be obtained following construction, installation, or alteration of a stationary source that qualifies for an ATI permit. LCPH shall not grant a PTO for stationary sources that did not first receive an ATI permit.

The permit applicant shall pay the associated permit application filing fees outlined in the "Permit Application Filing Fees" section of this policy. Title V operating permits and Prevention of Significant Deterioration (PSD) construction permits shall be invoiced by the Iowa Department of Natural Resources (DNR); therefore, collection of permit filing fees for Title V and PSD permits shall not be managed by LCPH.

### Permit Application Filing Fees

The Linn County Board of Health and the Linn County Board of Supervisors shall approve all local Air Quality Permit Fees, including additional fees for untimely or "as-built" permits. LCPH shall maintain a publicly accessible fee schedule of board-approved fees.

LCPH shall assess filing fees for each permit application received according to the "Linn County Air & Water Quality Branch Permit Filing Fee Schedule." LCPH shall accept the following forms of payment:

- A. *Check or Money Order* - The applicant may include payment for permit filing fee(s) as a check or money order with the permit application.
- B. *Credit Card* - Applicants may contact the A&WQB following submittal of a permit application to pay via credit card over the phone or in person.
- C. *Purchase Orders* - Applicants submitting purchase orders along with the application submittal will receive an invoice within 30 days for the total amount of the permit filing fee(s) applicable.
- D. *Pre-Payment Account* - Companies may establish a pre-pay account with LCPH Administration & Finance. LCPH will deposit pre-paid funds into the permittee's account. Fee(s) will be withdrawn from

the account upon receipt of permit applications.

- E. *Invoicing* - Companies may request, in writing, for LCPH to generate an invoice or invoices summarizing the applicable permit filing fee(s). Invoices can be generated for each application or can be submitted periodically summarizing all permit application filing fees incurred during that time period. LCPH shall assume a written request for an invoice to be for a discrete application unless otherwise specified by the applicant.

LCPH shall maintain records of permit filing fees owed and collected.

### **Annual Permit to Operate Renewal**

The holder of a PTO shall pay an annual PTO renewal fee. Facilities no longer operating the equipment listed in the PTO shall notify LCPH in writing and will no longer be subject to the annual PTO renewal fee.

An annual PTO renewal fee that remains unpaid after 60 days results in the expiration of the PTO. Continued operation of the emission sources listed in an expired permit is in violation of LCCO Sec. 10-58(b). The permittee may negotiate a compliance plan with the Air Pollution Control Officer that addresses continued operation with the delinquent fees are settled.

LCPH shall maintain records of annual permit renewal fees invoiced, owed, and collected.

### **Untimely Permit Applications**

Pursuant to LCCO Sec. 10-58(b), 10-58(b), and 10-59(c), when an "untimely" or "as-built" permit application is received for installed and operating equipment that has not otherwise been approved, it shall be subject to penalty fees as authorized by the Board of Health.

LCPH may assess civil penalties for each year the "as-built" equipment operated without a permit. These fees shall be in accordance with the fee schedule approved by the Board of Health. Such civil penalties shall be assessed under the direction of the Linn County Attorney's Office.

### **Modification to Existing Construction Equipment**

A new ATI permit application is required for the modification of an existing construction permit resulting in a technical review. The new ATI application shall carry the associated permit filing fee(s) for a new permit. Such modifications include, but are not limited to:

- A. The alteration of an emission limit, operating condition, or recordkeeping requirement;
- B. An applicability determination for a federal rule;
- C. Correction of erroneous information supplied by the applicant in the original permit resulting in new regulatory review or altered calculation of emission potentials; or
- D. The alteration of a stack in such a way potentially increasing ground-level pollution.

If a technical review is not required, LCPH will modify an existing permit at no additional cost to the permit holder. Such modifications include, but are not limited to:

- A. Stack height increases;
- B. Corrections to contact and responsible official information; and
- C. Administrative corrections for errors introduced by LCPH, whether typographical or clerical.

The modification of multiple emission sources in an identical manner that require a single technical review (regardless of the number of sources) will require a single permit filing fee.

## Change of Ownership

Pursuant to LCCO Sec. 10-58(h), an ATI or PTO shall be non-transferrable from one person to another. The applicant must pay the current PTO fee for each emission point at a facility that has experienced an ownership change. The conditions specified in the "Modification to Existing Construction Permits" section of this policy applies to modifications requested at the time of application for change of ownership.

Permits that contain emission limits or operating conditions that are not federally enforceable may not be issued "as-is" to the applicant. LCPH shall update the permit with federally enforceable conditions before issuance. This qualifies as a modification requiring technical review and is subject to the associated permit application filing fee(s).

## Open Burning Permits

Pursuant to LCCO Sec. 10-63, open burning of certain materials may be allowed, provided a valid open burning permit is obtained. Annual open burn permits shall be specified to an address and are valid for a twelve-month calendar year from the date of approval. LCPH shall collect an open burning permit filing fee prior to issuing the open burn permit. LCPH may waive the filing fee for open burning permits for training fires conducted by the local fire departments upon request.

## Appeal of Assessed Fees

Permittees in Linn County have the right to appeal the assessment of permit filing fees including fees for "untimely" or "as-built" permit applications, untimely payment of annual PTO renewal fees, and civil penalties. The permittee shall file written notice within 30 days of the fee assessment requesting an administrative appeal with the Health Director. The written notice shall state the reasons the permit fee should be modified or rescinded. The permittee may further appeal the administrative ruling of the Health Director the Linn County Board of Health. In doing so, the permittee shall submit a written notice requesting an administrative appeal within 30 days of issuance of the Health Director ruling. The notice shall state the reasons the Health Director ruling should be changed.

## References:

- A. LCCO Sec. 10-58 - Locally Required Permits
- B. LCCO Sec. 10-59 - Permit Fees
- C. LCCO Sec. 10-63 - Open Burning

## Attachments

No Attachments

## Approval Signatures

Approver	Date
Linn County Public Health Board of Health	4/27/2018
Pramod Dwivedi (Approver): Health Director	4/13/2018

<b>Approver</b>	<b>Date</b>
Kim Honn: Administrative Assistant	4/13/2018
Kyle Lundberg: Laboratory Supervisor	4/13/2018
James Hodina: Environmental Public Health Manager	4/13/2018

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